



ADVISORY AND COMMENT ON:

EU General Data Protection Regulation (GDPR) Amendment

JULY 31ST 2017 - EU GDPR KEY NEW REQUIREMENTS SUMMARY:

With so many businesses and services operating across borders, international consistency around data protection laws and rights is crucial both to businesses and organisations, and to consumers and citizens. For UK corporations operating in Europe the compliance requirements are scheduled to come into effect May 25th, 2018. For UK corporations not operating in Europe, the Information Commissioner's Office will consider the implications of EU GDPR.

ACCOUNTABILITY:

'Proof of compliance' will place the burden of proof on the enterprise and not on the Office for Data Protection. The new accountability principle will require you to demonstrate your compliance with the principles and states explicitly that this is your responsibility. For example: you must provide the personal data in a structured, commonly-used and machine-readable form. Machine readable means that the information is structured so that software can extract specific elements of the data. The information must be provided free of charge.

Older technology no longer 'commonly-used' may not meet the burden of proof for ease of access. Such technologies also represent a high cost of maintenance. Since such information must be provided free of charge, finding technologies to minimise the cost of, and improve access to the data is of paramount importance.

BREACH NOTIFICATION:

The GDPR will introduce a duty on all organisations to report certain types of data breach to the relevant supervisory authority, and in some cases to the individuals affected. A notifiable breach has to be reported to the relevant supervisory authority within 72 hours of the organisation becoming aware of it.

Older systems are generally a higher-risk for a security breach. Moving data to a more secure, modern application platform will help to reduce the incidence of Breach Notification.

DATA PORTABILITY:

The right to data portability allows individuals to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability for their own purposes across different services. The information must be provided free of charge and the organisation must respond without undue delay, within one month.

Customer data may sit in several, incompatible systems. Bringing data records into a uniform, accessible application repository will ease the process of enabling data portability.

RIGHTS OF THE DATA SUBJECT:

Increased rights of the data subject, (see over the page).

DATANOVATA SOLUTION SUMMARY:

DataNovata provides a consistent, reliable, modern application platform from which to securely view, report and manage customer data from different systems. DataNovata helps you to manage compliance and reduces risk of penalties. DataNovata applications typically pay for themselves by reducing operational expenses, reduced fines and improved business process efficiency. In some cases the original application can be dispensed with.

For further consultation contact Howard Sherrington LL.B. FCA. CGMA (howard.sherrington@datanovata.com).

8 CUSTOMER RIGHTS SUPPORTED UNDER THE NEW GDPR AMENDMENTS

1. Right to be informed

Amendment: The customer has a right to be informed on data collection. Before data is collected, a data subject has the right to know how it will be collected, processed, and stored, and for what purposes.

- DataNovata read-only data applications are created from data that was previously collected into a database. DataNovata applications conform to the Customer's Right to be Informed when the policy is exercised at the point of data collection.



2. Right to Access

Amendment: After data is collected, a data subject has the right to know how it has been collected, processed, and stored, what data exists on me, and for what purposes.

- DataNovata read-only applications enable enterprises to organize access to data histories within a consolidated storage provision. An enterprise that has a structured archiving storage policy can easily access DataNovata applications through a central repository over IP.
- DataNovata read-only applications record a complete audit trail including data source, record history, notes and access history. DataNovata read-only applications are used for reference purposes only.



3. Right to Correction

Amendment: A data subject has the right to have incorrect or incomplete data corrected.

- DataNovata read-only applications allow notes and bookmarks to be entered for data correction, produce reports and export data required for correction.
- Data editing cannot occur within the DataNovata application. Corrected data needs to be imported to the application by the database administrator.



4. Right to Erasure (Right to be Forgotten)

Amendment: A data subject has the right to have personal data permanently deleted.

- DataNovata read-only applications have a purge feature to select data items for removal from the database to support Information Lifecycle Management and personal privacy.



5. Right to Restriction of Processing

Amendment: A data subject has the right to block or suppress personal data being processed or used

- DataNovata read-only applications do not process data. Flexible security parameters can restrict access down to the data level to protect privacy until the data reaches its purge date.



6. Right to Data Portability

Amendment: A data subject has the right to move copy or transfer personal data from one controller to another, in a safe, secure way and in a commonly used, machine-readable format, wherever possible without the subject having to handle the data.

- DataNovata read-only applications allow data export under administrative control in comma-separated file format (.csv) for single or multiple data records.



7. Right to Object to Processing

Amendment: A data subject has the right to object to public authorities or companies processing without explicit consent.

- DataNovata read-only applications do not process data. They simply provide access to view data. No breach of a data subject's right to object to processing can occur within a DataNovata application.



8. Right to Not be Subjected to Automated Decision-making

Amendment: A data subject has the right to demand human intervention rather than having important decisions made solely by algorithm.

- DataNovata read-only applications provide discrete ways to view data, with no algorithmic functionality within the application.

